



3625

Applicant's Docket No. 5713-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Remi Swierczek

Application No.: 09/680,172

Group No.: 3625

Filed: 10/05/2000

Examiner: Gart, Matthew

For: MUSIC IDENTIFICATION SYSTEM

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RECEIVED

MAY 15 2003

GROUP 3600

RESUBMISSION OF AMENDMENT TRANSMITTAL

1. In response to the Notice of Non-Compliant Amendment (Voluntary Revised Practice) mailed on May 1, 2003, transmitted herewith is a resubmission of the amendment for this application that was filed on April 18, 2003, and received at the U.S. Patent Office on April 23, 2003.

ENCLOSURES

2. a) Copy of Notice of Non-Compliant Amendment (Voluntary Revised Practice) mailed on May 1, 2003  
b) Copy of the Amendment Transmittal mailed on April 18, 2003;  
c) Copy of the check in the amount of \$55.00 (1-month extension fee payment); and  
d) Resubmitted response to the Office Action of December 18, 2002, adding a status identifier to Claim 13 as requested in the Notice of Non-Compliant Amendment (Voluntary Revised Practice) mailed on May 1, 2003.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is *mandatory*;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_

Signature

Date: May 9, 2003

Robert J. Clark

(type or print name of person certifying)

\* Only the date of filing ( 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" ( 1.10) or facsimile transmission ( 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

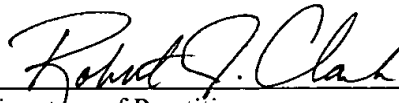
**FEE DEFICIENCY**

3. If an additional extension and/or fee is required, charge Account No. 15-0450.

If an additional fee for claims is required, charge Account No. 15-0450.

Date: May 9, 2003

Reg. No.: 45,835  
Tel. No.: 330-864-5550  
Customer No.: 021324

  
\_\_\_\_\_  
Signature of Practitioner

Robert J. Clark  
Hahn Loeser & Parks, LLP  
Twin Oaks Estate  
1225 West Market Street  
Akron, OH 44313-7188

OK  
RSC

MAY 05 2003

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,172	10/05/2000	Remi Swierczek	5713-2	8130

21324 7590 05/01/2003

HAHN LOESER & PARKS, LLP  
TWIN OAKS ESTATE  
1225 W. MARKET STREET  
AKRON, OH 44313

EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
MAY 15 2003  
GROUP 3600



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

COPY

Paper No.

## Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 4/23/03 under the voluntary revised amendment practice guidelines<sup>1</sup>, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☐ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.

☒ 5. Other: Claim 13

RECEIVED

MAY 15 2003

GROUP 3600

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

[Signed by Team Leader]

- Team Leader

*Eric L. Adams*

<sup>1</sup> For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officetlver.pdf> and  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprae.pdf>

COPY

PATENT

Practitioner's Docket No. 5713-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Remi Swierczek

Application No.: 09/680,172

Filed: 10/05/2000

For: MUSIC IDENTIFICATION SYSTEM

Group No.: 3625

Examiner: Gart, Matthew

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
MAY 15 2003  
GROUP 3600

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee: \$55.00

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231  
37 C.F.R. § 1.8(a)

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Date: April 18, 2003

Robert J. Clark

(type or print name of person certifying)

\* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Amendment Transmittal--page 1 of 2

# COPY

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	18	- 20	= 0	x \$ 9.00	= \$	0.00	
INDEP.	5	- 5	= 0	x \$ 42.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+	\$ 0.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	0.00	

No additional fee for claims is required.

## FEE PAYMENT

5. Attached is a check in the sum of \$55.00.

Charge any additional fees required by this paper or credit any overpayment to Account 15-0450.

A duplicate of this paper is attached.

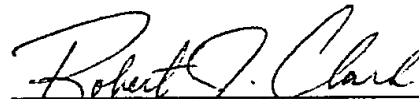
## FEE DEFICIENCY

6. If an additional extension and/or fee is required, charge Account No. 15-0450.

If an additional fee for claims is required, charge Account No. 15-0450.

Date: April 18, 2003

Reg. No.: 45,835  
Tel. No.: 330-864-5550  
Customer No.: 021324

  
Signature of Practitioner

Robert J. Clark  
Hahn Loeser & Parks, LLP  
Twin Oaks Estate  
1225 West Market Street  
Akron, OH 44313-7188

COPY

HAHN LOESER & PARKS LLP

04/15/03

No. 003207

DATE

INVOICE NO.

REFERENCE

AMOUNT

04/15/03 1652

filing fee

55.00

Commissioner of Patents & Trademark

TOTAL

55.00

HAHN LOESER & PARKS LLP

TWIN OAKS ESTATE  
1225 WEST MARKET ST.  
AKRON, OHIO 44313

usbank  
CLEVELAND, OHIO

56-258/412

No. 003207

04/15/03

\$

55.00

PAY \*\*EXACTLY\*\*\*\*\*55\* DOLLARS AND \*00\*CENTS

HAHN LOESER & PARKS LLP

NOT VALID AFTER 120 DAYS  
TWO SIGNATURES REQUIRED OVER \$15,000

TO  
THE  
ORDER  
OF

Commissioner of Patents & Trademark

MEMO:

47161-1 11.5713-2

*Maureen J.*

003207 041202582 577874498